

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

APPLIED MATERIALS, INC.,  Plaintiff,  v.  TERRY BURKS,  Defendant.	Civil Action No.: 1:14-cv-01346-GTS-CFH <b>NOTICE OF MOTION</b>
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**PLEASE TAKE NOTICE**, the defendant, by and through his attorney James E. Long, Esq., upon the he affidavit of Terry Burks, sworn to February 2, 2015, the Statement of Material Facts dated February 2, 2015 and the Exhibit A submitted herewith, the pleadings heretofore filed the defendant will move this Court at a Motion Term at the United States Court House, 100 S. Clinton St, Syracuse, New York on March 5<sup>th</sup> 2015, at 10:00 am in the forenoon for an:

**Order of Judgment on the Pleadings** pursuant to Federal Rule of Civil Procedure FRCP 12(c), or in the alternative for an **Order Granting Summary Judgment** pursuant to Federal Rule of Civil Procedure 56, as no genuine issues of material fact exist, and the defendant is entitled to judgment as a matter of law.

Dated: February 2, 2105

Law Office of JAMES E. LONG, ESQ.

By: 506898

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To: Clerk of the Court

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